

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

BOBBY WILLIS, CARRIE WILLIS,
GOLDEN RULE, LLC, WILLIS ASSET
MANAGEMENT, LLC, and the BOBBY L.
AND CARRIE S. WILLIS TRUST DATED
JUNE 15, 2005,

Plaintiffs

v.

No. 1:16-cv-00813-MV/LF

DARRYL W. MILLET, ALBUQUERQUE ADVOCATES,
P.C., FINANCIAL INSTITUTIONS DIVISION, NEW MEXICO
OFFICE OF THE SUPERINTENDENT OF INSURANCE,
NEW MEXICO REGULATION AND LICENSING DEPARTMENT,
CYNTHIA HALL, JOHN G. FRANCHINI, CYNTHIA RICHARDS,
PHYLLIS H. BOWMAN, MICHAEL SMITH, GUARDIAN
ABSTRACT AND TITLE COMPANY,

Defendants.

**DEFENDANTS MILLET'S AND ALBUQUERQUE ADVOCATES, P.C.'s
MOTION AND AFFIDAVIT PURSUANT TO THE COURT'S ORDER FOR SANCTIONS**

COME NOW Defendants, Darryl W. Millet and Albuquerque Advocates, P.C. (hereinafter "Millet Defendants"), and in compliance with the Courts *Order for Sanctions* [Doc 61] submits the following Affidavit outlining attorney fees in preparation for and participation in the telephonic status conference on May 21, 2018:

Briggs Cheney, after having been first duly sworn under oath, states:

1. I am a lawyer licensed to practice law in the State of New Mexico and have been so licensed since 1973. I am also admitted to the bar for the United States District Court for the District of New Mexico.

2. I am one of the counsel of record for the Millet Defendants in this matter.

AFFIDAVIT OF BRIGGS CHENEY

3. That in preparation for the May 21, 2018 Status Conference, I did the following work and billed my clients as follows:

a. In preparation for the hearing, reviewed the file to be in a position to respond to the Court's inquiry	.8 hrs. at \$185/hr.	\$148.00
b. Participate in telephonic hearing	.5 hrs. at \$185/hr.	\$ 93.00
c. Per the Court's direction, placed a call to Attorney Gordon leaving a voicemail	.1 hrs. at \$185/hr.	\$18.50
d. Per the Court's direction prepare and send to Attorney Gordon a draft Stipulation of Dismissal and form of Order after securing Attorney Charles Vigil's approval	.8 hrs. at \$185/ hr.	\$148.00
e. With the proposed Stipulation and Order, sent a detailed e-mail to Attorney Gordon outlining what had occurred at the hearing and explaining why I was sending the Stipulation and Order	.3 hrs. at \$185/hr.	\$55.50
New Mexico gross receipts tax 7%		\$32.41
Total		\$495.41

4. The foregoing are fees performed and billed to my client and I submit those charges are fair and reasonable.

5. In fairness to Mr. Gordon and for the purposes of this Court's exercise of discretion in considering the services performed above, it was the undersigned's understanding from the Status Conference that I should submit to Plaintiffs' counsel a proposed pleading seeking to have this case dismissed with prejudice. Because of Mr. Gordon's conflict, the Court may deem this work performed and charges as beyond the Court's *Order for Sanctions*.

FURTHER AFFIANT SAYETH NOT



Briggs Cheney

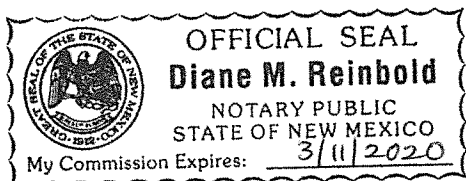
STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

The foregoing instrument was SUBSCRIBED AND SWORN to before me on this
4th day of June, 2018, by Briggs Cheney.

My Commission Expires:

3/11/2020


NOTARY PUBLIC



Respectfully:

SHEEHAN & SHEEHAN, P.A.
Attorneys for Defendants
Post Office Box 271
Albuquerque, NM 87103
(505) 247-0411; (505) 842-8890 (fax)

/s/ Briggs Cheney

By: _____
Briggs F. Cheney
Joshua A. Allison

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed on this 4th day of June, 2018, using CM/ECF, which caused a copy thereof to be served electronically upon the following:

Plaintiffs

Paul Gordon, Esq.
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Denver, Colorado 80222
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Michael Smith and Guardian Abstract Company

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/s/ Briggs Cheney

Briggs Cheney